



28448

PATENT
ATTORNEY DOCKET NO.: 040894-5699

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Takashi NAKAMURA et al.)
)
Application No.: 09/935,639)
)
Filed: August 24, 2001)
)
For: SEMICONDUCTOR DEVICE AND)
METHOD FOR MANUFACTURING)
THE SAME)

Group Art Unit: 2814

Examiner: T. Quach

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TECHNOLOGY CENTER 2800

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TRANSMITTAL FORM

1. Transmitted herewith is a Response in response to the Election/Restriction Requirement dated September 6, 2002 (Paper No. 7).
2. Additional papers enclosed:
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Extension of time fee due with this request: \$110.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	48	minus	48	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	9	minus	9	0	x \$84 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Please charge Deposit Account No. 50-0310 the amount of \$110.00 for the 1-month extension of time fee or fee for claims.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Dated: November 6, 2002

By: 

Victoria D. Hao

Reg. No. 47,630

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 Washington, D.C. 20004
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Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In an Election/Restriction Requirement dated September 6, 2002 (Paper No. 7), the Examiner required restriction under 35 U.S.C. §121 between the claims of Group I (claims 1-16 and 31-32) or Group II (claims 17-30). Applicants hereby elect Group I (claims 1-16 and 31-32) for examination. Applicants respectfully request formal examination of this application.

The period for filing this response extends through November 6, 2002, by the concurrent filing of a request for a one-month extension of time fee payment. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: November 6, 2002

By:

Victoria D. Hao

Registration No. 47,630

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